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9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12

13 SHARON DE EDWARDS, M.D., FACOG,
14 INC., a corporation, and SHARON DE
15 EDWARDS, M.D., as President and officer
16 of the corporation.

17 Plaintiffs,

18 v.

19 INTERNAL REVENUE SERVICE,
20 UNITED STATES GOVERNMENT
21 DEPARTMENT OF THE TREASURY,
22 KATHY JAKABCIN, JOSEPH SMITH,
23 Revenue Officers, and Does I through 50,
24 Inclusive.

25 Defendants,

Case No.: C07-3102 WHA

SUPPLEMENTAL DECLARATION OF
F. ANTHONY EDWARDS IN SUPPORT
OF FIRST AMENDED COMPLAINT
FOR REFUND OF TAXES,
PENALTIES, AND INTEREST,
FAILURE TO RELEASE TAX LIENS,
UNLAWFUL COLLECTION
ACTIVITY, MAKING FALSE AND
FRAUDULENT STATEMENTS,
DISCRIMINATION AND FOR A
PRELIMINARY AND PERMANENT
INJUNCTION AND REQUEST FOR AN
ACCOUNTING AND FOR ATTORNEY
FEES

26 I, F. Anthony Edwards, Esq., declare as follows:

27 1. I am a partner and practicing attorney in the Law Firm of SEIBEL, FINTA &
28 EDWARDS, LLP, licensed to practice law in all jurisdictions in the state of California. I make
this declaration based on my own personal knowledge and if called as a witness to testify as the
facts herein, I would and could do so truthfully and competently.

2. Attached hereto as Exhibit "1" is a true and correct copy of the total of TIER #1,
showing exhibits that matched a specific payment identified by the IRS, as provided by the

1 Office of Appeal, in their Determination Letter dated October 24, 2007. The totals are \$6114.57
2 for items classified as "30-199412," and \$102,647.40 for presumably 941 corporate tax
3 liabilities, for a total \$108,761.97. Exhibit "A", dated July 7, 2005, of Plaintiffs First Amended
4 Complaint, page 3, shows that the total applied to outstanding employment tax liabilities of the
5 corporation as of that date to be \$123,979.15. The evidence show that the IRS is stating that
6 between July 7, 2005 to October 24, 2007, the corporate payment of \$123,979.15 decreased to
7 \$108,761.97. The IRS has not stated why the payments were decreased by \$15,217.18, or what
8 happened to these funds.

9 3. Attached hereto as Exhibit "2" is a true and correct copy of the total of TIER #1,
10 as provided by the Office of Appeal, showing checks that were counted as duplicate checks,
11 applying the payment once, even though it was a different check for payment in an identical
12 amount on a different patient. These checks that were omitted as duplicates and not applied as
13 payments, total \$12,379.16.

14 4. Attached hereto as Exhibit "3" is a true and correct copy of the total of TIER #2,
15 as provided by the Office of Appeal, showing payments that were made pursuant to the IRS
16 levies. However, the IRS is claiming that since the taxing agency was not specified, the payments
17 were not applied against the corporate tax liabilities. These payments total \$104,740.00, after the
18 corporation subtracted the minimal FTB and EDD levies from the total.

19 5. Attached hereto as Exhibit "4" is a true and correct copy of Attachment #4, as
20 provided by the Office of Appeal, showing canceled checks made out the IRS and letters from
21 vendors stating that a specific payment that was made to the IRS, some of these statements
22 contain patient information and are protected by HIPAA. They were not submitted. The total
23 amount of these payments is \$12,445.20.

24 6. Attached hereto as Exhibit "5" is a true and correct copy of TIER #3, as provided
25 by the Office of Appeal, that the IRS claims shows no proof that the payments were sent to the
26 IRS. The total is \$35,938.70.

